

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

RACEWAY, LLC

PLAINTIFF

vs.

Civil Action No. 3:05-cv-368 WS

BRETT RICKY and DRIVER
SEAT TECHNOLOGIES

DEFENDANTS

ORDER OF DISMISSAL

All parties having agreed to and announced to the court a settlement of this case, and the court being desirous that this matter be finally closed on its docket,

IT IS ORDERED that this case is hereby dismissed without prejudice as to all parties.

If any party fails to consummate this settlement within **SIXTY (60) DAYS**, any aggrieved party may reopen the case for enforcement of the settlement agreement and, if successful, all additional attorney fees and costs from the date of this order shall be awarded such aggrieved party or parties against the party failing to consummate the agreement. The parties herein as part of the settlement announcement have advised the court that a final judgment will be forthcoming once the parties complete a certain financial transaction. Once this financial transaction has been completed pursuant to the parties' agreement, the parties will settle their financial agreement providing for a certain disbursement and retention of funds.

SO ORDERED, this the 20th day of July, 2006.

s/ HENRY T. WINGATE

CHIEF UNITED STATES DISTRICT JUDGE